

roads and bridges are needed, but we need to figure out how they will be paid for. The massive tax hikes that the President has proposed are not a viable option. The burden will be borne by both American employers and workers.

In previous years, the vast majority of infrastructure funding came from the highway trust fund. Every State sends dollars to this fund, which finances infrastructure across the country. But the formula to distribute the funding is out of date and is facing serious deficits.

Making matters worse, Texans are getting short-changed and carrying the weight of these shortfalls, as a so-called donor State. We get 92 cents back on every dollar we send to Washington, DC.

That is not the same treatment for every State. In fact, we receive a lower rate of return than every other State. If we want to have any long-term success in maintaining our roads and bridges, we need to bring this funding formula up to speed as well.

Unfortunately, the administration's proposal fails to do that, and instead of making any repairs to the highway trust fund, it leans on damaging tax hikes to pay for this broad range of unrelated policies.

The President has, indeed, proposed the largest set of tax hikes in more than a half a century. Economics 101 would teach you that tax increases aren't a clear and easy way to boost revenue, especially when your economy is already on fragile footing.

I hope our friends on the other side of the aisle will be willing to work with us to pass a true infrastructure bill, one that will, first and foremost, improve roads, bridges, airports, and other critical projects all across the country.

Notably, we must find a responsible way to pay for this, but tax hikes are not the answer. We have always had this idea in the highway trust fund that user fees—the people that buy gasoline and use the roadways—were the ones to pay for them, not pay for them out of general revenue. And I think we need to continue down this user-fee model, as opposed to deficit spending and adding to our debt.

Again, in closing, let me just say, if our Democratic friends want to act in a bipartisan way, there are people on this side of the aisle, including me, that would be happy to sit down and start talking. But, first of all, our Democratic colleagues must agree to abandon their long wish list of unrelated partisan provisions. They can't work with us on an infrastructure bill and then follow it with a reconciliation bill that includes the kitchen sink.

A bipartisan bill to rebuild our crumbling roads and bridges is possible. We have done it before, and we can do it again.

I yield the floor.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. SINEMA).

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Gary Gensler, of Maryland, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2026. (Reappointment)

### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 34, Gary Gensler, of Maryland, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2026. (Reappointment)

Charles E. Schumer, Patrick J. Leahy, Richard J. Durbin, Christopher A. Coons, Jeff Merkley, Debbie Stabenow, Richard Blumenthal, Jacky Rosen, Michael F. Bennet, Tammy Duckworth, Amy Klobuchar, Jon Ossoff, Chris Van Hollen, Martin Heinrich, Mark R. Warner, Dianne Feinstein, Gary C. Peters, Kyrsten Sinema.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Gary Gensler, of Maryland, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2026, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from South Carolina (Mr. SCOTT).

The yeas and nays resulted—yeas 54, nays 44, as follows:

(Rollcall Vote No. 156 Ex.)

### YEAS—54

Baldwin	Carper	Feinstein
Bennet	Casey	Gillibrand
Blumenthal	Collins	Grassley
Booker	Coons	Hassan
Brown	Cortez Masto	Heinrich
Cantwell	Duckworth	Hickenlooper
Cardin	Durbin	Hirono

Kaine	Murphy	Shaheen
Kelly	Murray	Sinema
King	Ossoff	Smith
Klobuchar	Padilla	Stabenow
Leahy	Peters	Tester
Lujan	Reed	Van Hollen
Lummis	Rosen	Warner
Manchin	Rounds	Warnock
Markey	Sanders	Warren
Menendez	Schatz	Whitehouse
Merkley	Schumer	Wyden

### NAYS—44

Barrasso	Graham	Portman
Blackburn	Hagerty	Risch
Blunt	Hawley	Romney
Boozman	Hoeven	Rubio
Braun	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Shelby
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Cramer	Lee	Tillis
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Moran	Wicker
Ernst	Murkowski	Young
Fischer	Paul	

### ANSWERED "PRESENT"—1

Burr

### NOT VOTING—1

Scott (SC)

The PRESIDING OFFICER. The yeas are 54, the nays are 44, and one Senator responded "present."

The motion is agreed to.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

## RECESS

The PRESIDING OFFICER. The Senate stands in recess until 4 p.m.

Thereupon, the Senate, at 2:56 p.m., recessed until 4 p.m. and reassembled when called to order by the Presiding Officer (Mr. BOOKER).

## COVID-19 HATE CRIMES ACT—Continued

The PRESIDING OFFICER. The Senator from Minnesota.

### REMEMBERING WALTER FREDERICK MONDALE

Ms. KLOBUCHAR. Mr. President, as we await a very important moment for justice in my State today. Our work goes on.

I am here today, first of all, to acknowledge the loss of my mentor, Vice President Walter Mondale. He caught the Nation's attention fighting for justice. So, it is such a moment. He worked on the forefront of the right to counsel in the landmark case *Gideon v. Wainwright*.

He followed in the footsteps of Hubert Humphrey to arrive in the Senate. He did great things passing civil rights legislation.

As Vice President, he defined the office of the modern-day Vice President.

He was "Fritz" to us. He was our attorney general, our Senator, and our Vice President, and I know he is up there right now rooting for justice.

I am going to speak more about Walter Mondale next week. Senator SMITH,

Senator GRASSLEY, and I have a resolution honoring him for his time in the Senate and for his time as Vice President, which we will be presenting next week.

NOMINATIONS OF VANITA GUPTA AND LISA O. MONACO

Mr. President, now, in the name of justice and the idea that justice must keep rolling along, I want to talk a little bit about some of the people we need in place as we look to the future, as we look to the future of police reform and the work that you have done as the lead on this bill, Mr. President, and the work we have to do.

To do that, we need a functioning Justice Department. We have an Attorney General who is excellent in Merrick Garland. We congratulate Lisa Monaco, who is expected to be confirmed later today with a strong bipartisan vote.

But we need more. We need the presence of true leaders in the Justice Department. We need to see Kristen Clarke and Vanita Gupta confirmed.

Walter Mondale was someone who always raised the bar. He was someone who was ahead of his time. When he introduced housing legislation and childcare legislation, a lot of people said: Oh, why are you doing that right now?

I think that is a little bit like the experience of these two women, ahead of their time, doing the right thing, speaking of raising the bar.

We know that when many of the women of the Senate come to the floor, something important is going on. And given the challenges our States face today, the stakes are high.

So today we make the case for Vanita Gupta and Kristen Clarke, and we address the unfair and unsubstantiated attacks we have heard from the other side of the aisle against these eminently qualified women. I have worked closely with Ms. Gupta and Ms. Clarke for many years, and I am confident they will lead the Department of Justice with honor and integrity.

Their nominations also represent the historic opportunity to make progress toward the goal of ensuring that the government looks more like the people it represents, especially at the Department of Justice. When we confirm Ms. Gupta, she will be the first civil rights lawyer and the first woman of color to serve as the Associate Attorney General. And when we confirm Ms. Clarke, she will be the first Senate-confirmed leader of the Civil Rights Division to be a woman of color.

They will bring years of experience to bear to take on the challenges we have right now, like hate crimes, on which we are taking action this week in the Senate; like voting rights, on which we just had a hearing today in the Judiciary Committee, and in just a few weeks we will be marking up the For the People Act in the Rules Committee, which I chair.

As my State and my country are reeling after the killing of Daunte

Wright, and as we await the verdict in the murder of George Floyd, we need Ms. Gupta and Ms. CLARKE at the Department of Justice to take on systemic police and criminal justice reform.

They are also the leaders that Attorney General Garland wants at the Department, which I asked him about at his nomination hearing. He said Vanita Gupta and Kristen Clarke “have skills that I do not have; they have experiences that I do not have.” And he said: “No human being can have all of the skills necessary to run the Justice Department and I need this leadership team if I’m going to be successful.”

Attorney General Garland, who was confirmed by a bipartisan vote of 76 to 23, needs his team to be successful. That is something all of us should want.

After what we saw during the previous administration, it is essential that the leaders of the Justice Department are committed to its independence in order to restore trust in our justice system. This is a priority for the Attorney General, and it is a priority for Vanita Gupta and Kristen Clarke.

Vanita Gupta has demonstrated her commitment to the pursuit of justice for her entire career. As an attorney for the NAACP Legal Defense and Educational Fund, she worked on the frontlines fighting in court to protect the civil rights of some of the most vulnerable people.

Later, at the American Civil Liberties Union, she brought cases on behalf of immigrant children and worked to end mass incarceration while keeping communities safe.

While serving as our country’s chief civil rights prosecutor at the Department of Justice during the Obama administration, Ms. Gupta led critical work on criminal justice reform, prosecuting hate crimes and human trafficking, defending the right to vote, and protecting the rights of the LGBTQ community and those with disabilities.

As president of the Leadership Conference on Civil and Human Rights, the Nation’s oldest, largest, and most diverse civil and human rights coalition, Ms. Gupta has a record of fighting for all Americans with dedication and a willingness to work across ideological lines to achieve results.

Ms. Gupta’s depth of experience at the Department of Justice and her years as a civil rights attorney make her eminently qualified to serve as Associate Attorney General.

And I have seen—as I know you have, Mr. President—her work firsthand. I was one of the cosponsors of the FIRST STEP Act, which made much needed reforms, a bill that you spent so much leadership on. And Ms. Gupta worked with us, as she brought a broad range of organizations and experts in support of the bill, including both law enforcement and civil liberties groups.

Grover Norquist, a Republican and president of Americans for Tax Reform,

who supported the FIRST STEP Act, described Ms. Gupta as “an honest broker; someone with an ability not only to understand, but also appreciate, different perspectives. She was someone who sought consensus.”

As I look at what my State has been through for the last year and as we await this verdict at this moment, that is exactly the kind of person we need at the Department right now. And, if you have any lingering questions, I say to my colleagues, just take a look at the number of law enforcement groups that have come out in support of her nomination. Just look at them. She is the right person for the job at the right time.

Then there is Kristen Clarke, nominated to be Assistant Attorney General to lead the Civil Rights Division at the Department of Justice. Ms. Clarke has spent her entire 20-year career fighting for civil rights and equal justice under the law.

Early in her career, she worked as an attorney in the Criminal Section of the Civil Rights Division at the Justice Department, for the Bush Administration. She investigated and prosecuted hate crimes and human trafficking. She also worked in the Division’s voting section.

Since 2016, she has been the president and executive director of the Lawyers’ Committee for Civil Rights Under Law, one of the country’s largest and most important civil rights organizations, dedicated to the pursuit of equal justice for all. It is important to note the history of the Lawyers’ Committee, which was created at the request of President John F. Kennedy in the summer of 1963, perhaps the defining year of the civil rights movement. This is an organization of attorneys founded to organize their peers to use their training to advance civil rights for all Americans. Isn’t that just who we want leading the Civil Rights Division at the Department of Justice?

I have worked with Ms. Clarke for many years on election issues. She testified before the Rules Committee and impressed everyone on both sides of the aisle.

At that time, she said that following the direction of many, she is going to work to ensure “that the Civil Rights Division . . . is using the tools in its arsenal”—and she said that now as she has been nominated for this position—“the Voting Rights Act, the National Voter Registration Act, the Uniformed and Overseas Absentee Citizens Voting Act—to ensure that eligible Americans have access to the ballot in our country.”

She also mentioned that she was here in the Senate Chamber in 2006, when this body passed the reauthorization of the Voting Rights Act—on what vote?—98 to 0. That is why she has support from Republicans and Democrats who work on these issues.

Trevor Potter, who previously chaired the FEC as a Republican Commissioner, called Ms. Clarke “one of

the foremost legal experts in the country on voting rights" and described her as "smart, honest, and deeply committed to equal justice under law."

Tray Grayson, former Secretary of State from Kentucky, who is a Republican and served as chairperson of the Republican Association of Secretaries of State, sent a letter expressing his strong support of Ms. Clarke.

And we have also heard from former Assistant Attorneys General of the Civil Rights Division who served in both Republican and Democratic administrations, who wrote:

We found Ms. Clarke to be an excellent candidate from the standpoint of experience, temperament and commitment to the rule of law. She has the experience, the commitment and the passion to do this job.

I am joined by a number of our colleagues today. Senator STABENOW was here earlier. Senator HIRONO is with us on the floor to stand up for Ms. Gupta and Ms. Clarke and to reject the falsehoods we have heard from our colleagues on the other side. But we are also here to make the case for why we must seize this historic opportunity to send two women of color to lead the Justice Department.

So at this pivotal moment we live in, at this very moment, my message to my friends, Vanita and Kristen, today, is this: We have your backs, just as you have the backs of the people of this country.

Those jurors in Minnesota, they are not talking to each other about if they are Democrats or Republicans. They have a job to do. The witnesses that came forward in that case, people who just happened to be there—a store clerk doing his job, a man who just happened to walk by, the police officers who testified—they didn't ask people what political party they were in. They just came forward. That is why I ask my colleagues to step back and think about what justice really means today and what it will mean tomorrow, and ask them to support Ms. Gupta and Ms. Clarke to serve with Merrick Garland and Lisa Monaco to run the Department of Justice.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, I echo the sentiments expressed by my colleague from Minnesota, and I rise today in support of the nomination of Vanita Gupta to be Associate Attorney General of the United States. Today, I am focusing my remarks on Ms. Gupta, but I will have some words of support for Kristen Clarke later.

For 4 years, Donald Trump treated the Justice Department like his personal law firm. He ordered that the Department's attorneys drop charges or reduce sentencing recommendations against his friends and cronies. He ordered investigations and prosecutions against his political enemies. He even had the Department step in to defend him against the defamation claim relating to an allegation of rape.

By the end of the Trump administration, the Justice Department's reputation was tarnished and the morale of its employees was lower than at any point since Watergate.

Thankfully, President Biden has named a professional, highly qualified team to lead the Justice Department and to restore its place of prominence and moral authority in following the rule of law.

It is significant that the Senate confirmed Merrick Garland as Attorney General and will shortly confirm Lisa Monaco as Deputy Attorney General with strong bipartisan support.

I am disappointed that Vanita Gupta, a similarly well-qualified nominee, is not receiving the same bipartisan support.

A few weeks ago, I sat in the Judiciary Committee for nearly 2 hours, listening to my Republican colleagues smear Ms. Gupta with lies about her record—lies like that she wants to decriminalize all drugs, that she wants to defund the police, that she is somehow responsible for the production of crystal meth in Mexico.

When Chair DURBIN finally called for a vote, not a single Republican supported Ms. Gupta's nomination. As I sat there listening to these lies and smears, I asked myself a question, and I am still pondering that question today: What exactly are Republicans afraid of?

Unlike many of President Trump's nominees, Vanita Gupta is actually qualified to help lead the Justice Department. Throughout her career, Ms. Gupta has shown the strategic acumen, dogged determination, and coalition-building skills necessary to navigate the challenges facing our country.

As a young attorney with the ACLU, she worked to exonerate 38 wrongfully convicted men and women in Tulia, TX. Mostly people of color, these individuals had been convicted of drug crimes based on the testimony of a single undercover police officer and sentenced to prison for periods of up to 434 years.

Ms. Gupta was able to show that the officer was racially biased and had a reputation for dishonesty. She demonstrated that he falsified reports and misidentified defendants. In light of this evidence, the court found that the officer "may be the most devious, non-responsive law enforcement witness this Court has witnessed in 25 years on the bench in Texas."

The case was so compelling that then-Texas Governor Rick Perry pardoned 35 of the defendants. It was such a miscarriage of justice that those pardoned individuals ultimately received a \$6 million settlement.

Ms. Gupta later went on to lead the Justice Department Civil Rights Division. In this role, she stood up to the rights of transgender students and prisoners, fought discrimination against servicemembers, and defended the right to vote.

From there, Ms. Gupta served as President and CEO of the Leadership

Conference on Civil and Human Rights where, among other things, she played a key role in passing the most significant criminal justice reform package in years.

Ms. Gupta's qualifications are borne out in this experience and in the widespread support that she has received. Conservative leaders and longtime Republicans like Michael Chertoff, Grover Norquist, and Michael Steele have praised Ms. Gupta as a consensus builder on critical issues like voting rights and criminal justice reform.

Every major law enforcement organization, including the Fraternal Order of Police and National Sheriffs' Association, has endorsed Ms. Gupta's nomination.

In light of this widespread support, it is tough to take the criticisms I hear from my colleagues on the other side seriously. If Ms. Gupta supported defunding the police or decriminalizing all drugs, how did she manage to get universal support from the law enforcement community? If she is such a radical progressive, why are people like Grover Norquist and the former general counsel and senior vice president of Koch Industries endorsing her nomination?

Republican criticism of Ms. Gupta is also hard to take seriously after they spent the past 4 years—4 years, and I was there—pushing through some DOJ and judicial nominees who were either wholly unqualified, openly supported disenfranchisement of Black Americans, or were even credibly accused of sexual assault.

After 4 years of permissive deference to Donald Trump, it is rich to hear my Republican colleagues attacking and demeaning a strong, smart, and highly qualified woman of color like Vanita Gupta to serve in the Justice Department. Their attacks aren't an exercise of the Senate's constitutional duty to provide advice and consent. It is pure partisan politics at its worst.

President Biden nominated Vanita Gupta to serve as Associate Attorney General because she is the best person for the job, and the Senate should confirm her without further delay.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. DUCKWORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. DUCKWORTH. Mr. President, from police reform to anti-Asian hate crimes, Americans across the Nation are pushing, pulling, and tugging with all their might to make sure that the United States lives up to our founding ideals of equality and justice for all. At the same time, the Biden administration is charged with the immense responsibility of restoring confidence and integrity to the U.S. Department of Justice.

Donald Trump's political appointees undermined the Department's mission and demoralized its dedicated career civil servants through years of gross mismanagement and improper politicization. We desperately need leaders with integrity, honor, and just basic competence to restore morale at the Department of Justice and empower the Agency to meet the moment.

Fortunately, I am confident that both Vanita Gupta and Kristen Clarke are among the most qualified and prepared public servants to take on the daunting challenges that lie ahead.

For far too many people in this country, equal protection under the law is not a reality. All across this country, there are communities that believe—and for good reason—that the law is not on their side. Individuals fear coming forward to report that they have been a victim of a hate crime, or, even worse, law enforcement fails to identify and report racist violence and discrimination.

And the senseless killing of unarmed Black and Brown Americans at the hands of law enforcement has become an all-too-common occurrence. Just a few days ago, the country was shocked by video footage documenting local law enforcement officers brazenly threatening and assaulting an Army second lieutenant who was in his military uniform and simply asking to know why he had been pulled over.

If this is how the Windsor Police Department, while knowing it is being videotaped, treats an Army officer in uniform—a man who swore an oath to support and defend the Constitution of the United States with his own life, if necessary—one wonders if such misconduct represents a systemic pattern or practice of abuse. This incident simply reinforces why our Nation must have a strong and proactive DOJ Civil Rights Division.

Additionally, the promise of the ADA is still not a reality for far too many Americans with disabilities. After years of disability rights being neglected or, at worst, undermined by partisan efforts, it is time for the DOJ to step up and ensure that the rights of Americans with disabilities are fully recognized, enforced, and protected.

I look forward to working with Kristen Clarke and Vanita Gupta to fulfill the promise that America made to people with disabilities, including myself, over 30 years ago.

We need Ms. Gupta and Ms. Clarke's leadership at DOJ to energize and inspire the Department as it refocuses on its mission of ensuring the fair and impartial administration of justice for all Americans.

As a former head of the U.S. Department of Justice Civil Rights Division and leader of the Leadership Conference on Civil and Human Rights, which is one of the largest civil rights organizations in the Nation, Ms. Gupta's record shows that she is committed to advancing the rights of all Americans.

Her decades of effective leadership and advocacy are why her nomination has garnered widespread support not only from civil rights groups but also from prominent law enforcement organizations like the Fraternal Order of Police.

Likewise, Ms. Clarke is widely respected and admired as one of our country's leading legal experts on civil rights. She has proven her effectiveness in defending the civil rights of all Americans as a Federal and State official, as well as a leader of the NAACP, and, most recently, as the president of the national Lawyers' Committee for Civil Rights Under Law.

Representation matters. Confirming these barrier-breaking women, who would both be the first women of color to formally occupy the positions to which they have been nominated, sends a clear message we are committed to having our Federal Government's leadership look like the country that it serves.

There should be no doubts about these nominees' qualifications for these critical DOJ leadership positions, and I urge my Senate colleagues in joining me to confirm Vanita Gupta and Kristen Clarke.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, I rise today alongside my colleagues to urge the Senate to quickly confirm Vanita Gupta as Associate Attorney General. Ms. Gupta is eminently qualified, with an impressive background in public service and broad support from civil rights organizations and law enforcement organizations. It is pretty impressive when you look at everyone who is supporting her because of her competency and her work.

She will be effective on day one, and we don't have a good day to lose right now. Right now, Americans are at risk of losing their fundamental rights—our right to vote, our right to be treated fairly in a court of law, and even our right to safely walk down the street and not be targeted based on what we look like, who we are. It is the job of the Department of Justice to protect these rights and so much more.

Take voting rights. Across our Nation, this right, called "sacred" by our beloved late Congressman John Lewis, is under attack. It is under attack in Michigan, as well as other States, as well as the entire country. Republicans in the Michigan Legislature are trying to push through a package of bills that would take away people's freedom to vote. Our secretary of state has said that in some ways, it is worse than what they passed in Georgia.

Let me remind everyone that last November, in the middle of a pan-

demic, more people in Michigan voted than ever voted in the history of our State. When audits were done, time after time after time, it was clear there was no fraud—no fraud that they found in this election.

Mr. President, 5.5 million people in Michigan voted. Michigan counties verified it. Our State certified it. That should be something we should all celebrate. But because they didn't like who folks voted for, they didn't like the results, Michigan Republicans are coming after Michigan voters to take away their freedom to vote.

Michigan voters need Vanita Gupta in their corner because it is a corner that she has been in before. During her time at the Department of Justice, she oversaw a number of high-profile voting rights cases, including challenges to voter suppression laws in North Carolina and Texas.

She has also been a leader in fighting discrimination. Across the country, we have seen increasing instances of hate crimes, particularly those targeting Asian Americans. According to the group Stop AAPI Hate, there have been about 3,800 incidents of Asian Americans being targeted in the past year. Twenty-five of those incidents happened in Michigan. I know that Asian Americans across our country are living in fear right now, wondering if it is safe to go to the grocery store or if they need to tell their elderly mom or dad not to walk alone outside.

We have an important hate crimes bill on the floor of the U.S. Senate right now. It has bipartisan support. It is terrific, and we need to get that passed. But in order to make sure we fully implement that and have the leadership in the Department to do that, we need to make sure Vanita Gupta is confirmed. Under Ms. Gupta, hate crimes and discrimination will be taken seriously at the Department of Justice. We know this because it is what she has done her entire career.

Vanita Gupta would be the first civil rights lawyer and the first woman of color to serve as Associate Attorney General. That is important because when agencies' leaders have diverse experiences and backgrounds, agencies are better able to make more informed decisions. They make sense. And when our Nation's leaders look like the diverse communities they serve, our communities are more likely to have confidence in their leadership.

Vanita Gupta is the right person at the right time for the Department of Justice. I urge my colleagues to support her nomination and to confirm her together on the floor of the U.S. Senate.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. DURBIN. Mr. President, I understand a couple of my colleagues are on the way. I will defer to them when they arrive. But I want to thank, first, Senator STABENOW for her statement about Vanita Gupta.

This is an extraordinary person. The Presiding Officer, as a member of the Senate Judiciary Committee, was there for her testimony and knows her personally, and I have come to know her. When you read and learn of her personal story, it is amazing, nothing short of amazing.

She was 6 months graduated from law school when she was sent down to Texas, a town called Tulia, TX, to tackle an assignment that a veteran civil rights lawyer would have thought twice about tackling. There was a group of over 30 African Americans who had been falsely accused of drug dealing and convicted and were imprisoned when she was sent down there to try to do something after their conviction. It is an incredible story, the courage she showed 6 months out of law school, and she ultimately was successful. Those African Americans and others were pardoned by the Republican Governor of Texas, Governor Perry. They were given a cash award for damages they had suffered as a result of it.

Her commitment to civil rights is more than just a cerebral commitment; it is a commitment where she has risked many times her personal safety to show how much she cared for the rights of others.

Thank you for saying those kind words about her. I am hoping that the Senate will give her a chance to continue to serve our Nation.

#### NOMINATION OF LISA O. MONACO

Mr. President, I would like to speak now, if I can, to a vote that is coming up momentarily, and that is the vote for Lisa Monaco to be the next Deputy Attorney General.

The Deputy Attorney General—commonly known as the DAG—is the second highest ranking official in the Justice Department. The DAG is effectively the DOJ's chief operating officer, overseeing the Department's day-to-day operations.

Lisa Monaco may be the most qualified individual ever nominated to be Deputy Attorney General. That is saying something, but I think we can back it up. Her credentials include a wealth of experience, her commitment to restoring independence and integrity at the Justice Department, and the broad, broad range of support she has garnered.

Let me begin with her experience. She has served at nearly every level of the Justice Department. She knows that Agency, and she knows what it can do. She was an assistant U.S. attorney, counselor and chief of staff to the Director of the FBI, Associate Deputy Attorney General, Principal Associate Deputy Attorney General, and the Assistant Attorney General for the National Security Division.

She is also one of the Nation's foremost national security experts. That is when I first met her, working in the Obama White House. As President Obama's Deputy National Security Advisor, Ms. Monaco coordinated the Federal Government's response to major

security threats, including pandemics, terrorism, mass shootings, and cyber attacks.

Our Nation is facing serious challenges today: the COVID-19 pandemic; a gun violence pandemic; a surge in hate crimes; domestic violence extremism, which culminated in an assault on the U.S. Capitol and this very Chamber just a few short weeks ago; and global threats and challenges from Russia, China, and elsewhere. Ms. Monaco's experience responding to security threats has prepared her to oversee DOJ's operations at this critical moment in history.

But it is not only Ms. Monaco's national security expertise that makes her the right person for this role. After President Trump used the Justice Department to serve his own personal and political agenda, we need to restore a well-functioning, independent Department, committed to the principle of equal justice under the law. It is just that basic.

Ms. Monaco understands the importance of protecting DOJ's independence. She has praised two of her mentors, Attorney General Janet Reno and FBI Director Bob Mueller, for their "reverence for the institution, for upholding the norms and traditions of independence and of doing justice without fear or fervor, and never, ever letting politics or partisanship influence an investigation or prosecution decision."

She committed to me that she would have the same reverence. That is precisely the attitude we need to restore the Justice Department's integrity.

It is no surprise, then, that individuals from across the political spectrum support Ms. Monaco's nomination. The Judiciary Committee received scores of letters from a broad range of advocacy groups: the Alliance for Justice, gun safety organizations, law enforcement groups, environmental organizations, victims and survivors of crime, and so many more.

We also received a letter supporting Ms. Monaco's nomination from 29 former senior DOJ officials who have served under Presidents of both parties, including Attorneys General Loretta Lynch and Eric Holder, who served in the Obama administration, and Attorneys General Michael Mukasey and Alberto Gonzales, who served in the George W. Bush administration. She has that kind of bipartisan support.

Those DOJ officials wrote of Ms. Monaco: "She has the values, temperament and strength to perform at the highest level of the Department."

They went on to say: "Each of us knows how demanding this job is, with its extraordinary span of control and the need for strong principled leadership. We believe that Ms. Monaco is highly qualified for this role. She knows the Department from every angle. She understands the job. And she has prepared well for it. We urge her confirmation."

Attorney General Garland has praised Ms. Monaco's selection as the next Deputy Attorney General. He told us in the Judiciary Committee that he needed her on his leadership team at the Department, and so does the Nation. I look forward to voting for Ms. Monaco and urge all of my colleagues to do the same.

#### ANNIVERSARY OF OKLAHOMA CITY BOMBING

Mr. President, it was an idyllic spring morning in Oklahoma City 26 years ago. Downtown, the Alfred P. Murrah Building was bustling with activity as people went about their morning routines. Parents dropped off their children at the daycare center on the second floor, office workers sat at their desks, with fresh mugs of coffee in hand—and parked under the building was a truck containing nearly 7,000 pounds of explosive materials.

At 9:02, the truck exploded, killing more than 165 people and injuring hundreds more. Oklahoma City and America would be forever scarred by the bombing. It was the deadliest act of homegrown terrorism in modern American history. For most people, that day—April 19, 1995—is a somber day in our history, but for some, it was an opening salvo in a war against America.

More than a quarter century after the Oklahoma City bombing, the threat of violent extremism looms larger than ever before. Recently, the Department of Homeland Security warned that violent, White supremacy is now the "most persistent and lethal threat in the homeland."

Among the hundreds of Americans arrested for suspected ties to violent White supremacy in recent years, a common theme has emerged: The FBI has uncovered references to Timothy McVeigh and his attack on Oklahoma City in "several" of these investigations. In the eyes of far-right extremists, McVeigh's attack on Oklahoma City is a lodestar, and like McVeigh, many of the violent extremists active today are motivated by baseless, anti-government conspiracy theories, conspiracy theories like the "Big Lie," which inspired a mob of extremists to storm the Capitol on January 6.

More than 400 people are facing Federal charges for their involvement in the January 6 insurrection. Last week, we received word of the first guilty plea in that case. The defendant, who has agreed to fully cooperate with the Federal Government, is a founding member of the Oath Keepers, a far-right extremist group that helped plot the insurrection.

The defendant's affiliation with the Oath Keepers highlights an important distinction between the extremists of yesterday, like Timothy McVeigh, and the extremists of today. Today, violent White supremacists are not only peddling debunked conspiracy theories or disproven race science; they are organizing online, on radical platforms like 8chan and Parler, and coordinating attacks under the cover of anonymity.

Worse yet, these radicals have easy access to high-grade military weapons designed for one purpose: human slaughter.

The extremists of today are galvanized. They are organized. And they are deadly. We must equip our law enforcement officials and intelligence agencies with new, modernized resources to combat the growing threat of violent White supremacy.

There are a number of steps we can take to weed out the threat of domestic terrorism. This week, the Senate is considering one such step: the COVID-19 Hate Crimes Act. It would direct Federal resources toward addressing the rise in hate crimes against members of the Asian-American and Pacific Islander, AAPI, community. This legislation must be passed immediately. Nearly 3,800 hate incidents against members of the AAPI community have been reported between March of last year and February of this year.

We also will consider Senator BLUMENTHAL and Senator MORAN's NO HATE Act, which has been added as an amendment to the bill to improve hate crimes reporting. In addition to that legislation, there are more comprehensive steps we can take to address the broader threat of domestic terrorism. In March, I reintroduced the Domestic Terrorism Prevention Act. It will enhance the Federal Government's ability to prevent acts of extremist violence. By establishing dedicated offices to combat domestic terrorism at the Department of Justice, the FBI, and the Department of Homeland Security, the Domestic Terrorism Prevention Act will bring the Federal Government's efforts to weed out violent White supremacy into the 21st century.

Congress must also take steps to limit access to the weapons of war favored by violent extremists. This is a no-brainer. The House recently passed a bipartisan bill to close existing gaps in the background checks system. I certainly hope we can find 10 Republican votes to overcome a filibuster and get that signed into law. Let me be clear: Background checks are table stakes for combatting the public health crisis that is gun violence in America. We are just 4 months into 2021, and already there have been more than 150 mass shootings in our country. It is time to put politics aside and save American lives.

As chair of the Senate Judiciary Committee, I was honored to gavel in the confirmation hearing for the man who led the government's investigation into the Oklahoma City bombing: Attorney General Merrick Garland. Yesterday, with a slightly greyer head of hair and the full authority of the Justice Department behind him, Attorney General Garland returned to the site of the bombing. He promised the residents of Oklahoma City that "the Department of Justice is pouring its resources into stopping domestic violent extremists before they can attack . . . prosecuting those who do . . . and battling

the spread of the kind of hate that leads to tragedies like the one we mark here today."

The question for us here in the Senate is, Will we help Attorney General Garland lead the charge against the largest threat we face today? Will we work together to save future lives against attacks like the Oklahoma City bombing?

In Attorney General Garland, we have a leader who is committed to weeding out the threat of domestic terrorism. Are there enough leaders in the Senate who are willing to do the same? I sure hope so. I hope they will join me in taking immediate, meaningful action to combat the crisis of violent extremism.

I yield the floor.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOMINATIONS OF VANITA GUPTA AND KRISTEN CLARKE

Ms. CANTWELL. Mr. President, I come to the floor this afternoon to support the nominations of Vanita Gupta and Kristen Clarke to serve in the leadership of the U.S. Department of Justice, and I am here, Mr. President, to say that just because you are pro-civil rights does not mean that you are somehow anti-police. To be for a Department of Justice that will help us make the right decisions in enforcing civil rights laws around the United States is what is at stake with these nominations. I personally am tired of the challenges that we have faced at home when we do not have people being held accountable and we have incident after incident. And the last administration said, instead of playing our role on consent decrees and making sure federal civil rights laws are enforced, instead they said, "We're going to stop playing that role."

So it is so important that we get a Department of Justice that will fight for the civil rights and civil liberties of all Americans. Both these women are highly qualified. They have defended our constitution. They have defended the civil rights of all Americans, and they will ensure that everyone, including the police, are held accountable. We have probably heard this afternoon my colleagues praising Vanita Gupta and supporting her to serve as Associate Attorney General, the third highest position in the U.S. Department of Justice. She is very qualified for the position. She will be the first civil rights lawyer and woman of color to serve in this role. She led the Civil Rights Division during the Obama administration and previously served as an attorney with the American Civil Liberties Union. When it came to en-

forcing consent decrees, she made sure the Obama administration did the job.

Now, why is this so important? I can tell you, in Seattle, we had a Native-American carver who happened to stop carving on one corner to walk to another corner and was shot and killed by a police officer because he didn't respond immediately to "Drop your knife." I am so glad the Federal Government was there to say what is going on in Seattle with the police department and overseeing on a consent decree. We had a tragic situation in Spokane where a disabled man just went in to buy a soft drink and snacks, but because somebody thought he was fooling around with the ATM machine, they called the police. And when the police arrived and he didn't respond immediately, he was brutally beaten in the head with a baton, tasered, improperly hogtied to the ground, and stopped breathing shortly after first responders improperly strapping a non-rebreather mask to his face. That was Otto Zehm's afternoon activity, to just go to the store. As he lay there dying, he said, "All I wanted was a Snickers."

And thank God we had a Civil Rights Division at the U.S. Department of Justice that said, yes, we are going to intervene and make sure that there is oversight of the Seattle Police Department and an investigation, and we are going to make sure that the civil liberties of all Americans—all Americans, whether you are White, Black, or disabled, or Native American—your civil rights are going to be upheld. But instead of discussing what is the proper role of the Federal Government in making sure that civil liberties and civil rights of all Americans are upheld when their rights are violated—instead, people have said, Well, Ms. Gupta supports decriminalization of all drugs.

Well, from a State that has actually passed legislation legalizing the recreational use of marijuana, I guarantee you, my State views some of these issues very differently. But I can say, emphatically, Ms. Gupta has stated consistently she does not support the decriminalization of all drugs—nor do the people of Washington, just because they voted to legal marijuana.

Ms. Gupta does not claim that all drugs should be legal, and she does not adhere to the statements that some people have tried to paint her with. You have to ask yourself, What are they afraid of? What are they afraid that she is going to do at the Department of Justice besides uphold our civil liberties? Some of my colleagues have argued that she supports defunding the police. There is zero proof that she supports defunding the police. I don't know why we keep having this debate, but she has worked and understands the police officers' perspective. She has worked to ensure that they were provided with adequate resources. She has worked on building relationships. She has a comprehensive approach to law enforcement and support from their organizations. And I



believe she deserves the support of our colleagues.

In a letter to the Senate Judiciary Committee, the Fraternal Order of Police described Ms. Gupta as one who “always worked with us to find common ground, even when that seemed impossible.” So it is clear that she has the support of police. So we need someone like her who is going to bring back this important role of oversight to these important issues.

Ms. Clarke is the same. She is nominated to head the Civil Rights Division where she once worked as a trial lawyer. She previously codirected the voting rights work of the NAACP Legal Defense and Education Fund, led the Civil Rights Bureau in the New York State Attorney General's office, and has served as the president of the Lawyers Committee on Civil Rights Under the Law. I have called her; I have interviewed her. Why? Because I am tired of the violence and hate crimes in the State of Washington. I am tired of hearing, time and time again, about these issues. And it can be the synagogue in Spokane, where literally somebody spray-painted it. And you would think, Well, how are we going to find who spray-painted a swastika on a synagogue in Spokane? You think, How are we going to find that person? Okay. Not a lot of trouble because people actually said, We did it purposely because we are an organization who believes in this, and we wanted to get our message out. That is what we're facing.

And several years ago, we found a bomb planted in the Martin Luther King Day Parade in Spokane, just a few years ago. So these aren't issues that we are sending somebody over to the Department of Justice to analyze and write a report on. We are asking people to help us with the situation in the United States of America to fight hate crimes and to bring about justice on the civil rights and civil liberties of all Americans. And so we have to have people that we have confidence that they are going to uphold our laws and enforce them.

We need to have consent decrees to hold police departments accountable for systematic violations of constitutional rights. We need to defend voting rights and to make sure that hate crimes against Asian-American and Pacific Islanders are prosecuted. And so this is why the nomination of Ms. Clarke is so important. I ask my colleagues on the other side of the aisle, if you are facing any of this in your State, please get Kristen Clarke to be there to help us address these issues.

Advocating for increased investment in mental health and social work and school resources for minority communities is something that law enforcement agrees with. They agree that we should do these things. So that is not defunding the police; yet people accuse Kristen Clarke of the same thing. She must be for defunding the police. I have talked to prosecutors throughout the State of Washington, and they will tell

me that these programs that help families and communities identify these problems early are actually the best things to keep them from having to really have problems later. I certainly hope that some of the false claims that people have made about Ms. Clarke being anti-police are also continued to be struck down as untrue.

Ms. Clarke understands law enforcement must collaborate with the State, local, and Federal level. She has a solid record of working cooperatively with law enforcement for decades. She is supported by the Major Cities Chief Association, the National Association of Black Law Executives, a bipartisan group of over 70 former State attorneys general, and more than 40 police chiefs and sheriffs throughout the United States. That can't be somebody who sounds anti-law enforcement. They have the support of law enforcement.

What we need is the support of our colleagues to say that these are serious issues and the Federal Government does play a role. That is why it is called the Department of Justice, and that is why they oversee and make sure that the civil liberties of all Americans are upheld. As attorney general and at the Lawyers Committee, Ms. Clarke played a key role in launching a Religious Rights Initiative to address faith-based discrimination to fight anti-Semitic activities. When Ms. Clarke led the Lawyers Committee, she led the charge in shutting down abhorrent anti-Semitic websites that made racist comments, and some were in connection with stormfront.org, which was a central site used to organize the 2017 Unite the Right rally in Charlottesville.

She recognized that online hate is an emerging threat and that Congress must address that threat. After seeing what happened on January 6 and the plethora of anti-Semitic paraphernalia presented here even in the Capitol as we saw riots, Ms. Clarke's expertise and dedication to fighting online hate would be extremely beneficial to the Department and to all Americans.

So I implore my colleagues, these are strong women, great qualifications, have been in the mix on these policy issues for a long time. They know what we are up against. We have to ask ourselves, Are we going to enforce the law? These women will enforce the law, and they have the support of law enforcement. We should proceed and confirm both of them.

I yield the floor.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER (Mr. MARKEY). Under the previous order, the Senate will resume executive session in consideration of the Gensler nomination.

All time has expired.

The question is, Will the Senate advise and consent to the Gensler nomination?

Ms. CANTWELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 157 Ex.]

#### YEAS—54

Baldwin	Heinrich	Peters
Bennet	Hickenlooper	Reed
Blumenthal	Hirono	Rosen
Booker	Kaine	Rounds
Brown	Kelly	Sanders
Cantwell	King	Schatz
Cardin	Klobuchar	Schumer
Carper	Leahy	Shaheen
Casey	Lujan	Sinema
Collins	Lummis	Smith
Coons	Manchin	Stabenow
Cortez Masto	Markey	Tester
Duckworth	Menendez	Van Hollen
Durbin	Merkley	Warner
Feinstein	Murphy	Warnock
Gillibrand	Murray	Warren
Grassley	Ossoff	Whitehouse
Hassan	Padilla	Wyden

#### NAYS—45

Barrasso	Graham	Portman
Blackburn	Hagerty	Risch
Blunt	Hawley	Romney
Boozman	Hoeven	Rubio
Braun	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Cornyn	Kennedy	Shelby
Cotton	Lankford	Sullivan
Cramer	Lee	Thune
Crapo	Marshall	Tillis
Cruz	McConnell	Toomey
Daines	Moran	Tuberville
Ernst	Murkowski	Wicker
Fischer	Paul	Young

ANSWERED “PRESENT”—1

Burr

The nomination was confirmed.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Lisa O. Monaco, of the District of Columbia, to be Deputy Attorney General.

The PRESIDING OFFICER. Under the previous order, all postcloture time is expired.

The question is, Will the Senate advise and consent to the Monaco nomination?

Mr. MENENDEZ. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 98, nays 2, as follows:

[Rollcall Vote No. 158 Ex.]

#### YEAS—98

Baldwin	Bennet	Blumenthal
Barrasso	Blackburn	Blunt